

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 DARIN SCOTT ROBBINS,

Case No.: 2:18-cv-00698-APG-VCF

4 Petitioner

Order Dismissing Petition

5 v.

6 STATE OF NEVADA, et. al,

7 Respondents
8

9 This court denied 28 U.S.C. § 2254 pro se habeas corpus petitioner Darin Scott Robbins'
10 application to proceed in forma pauperis and directed him to pay the \$5.00 filing fee (ECF No. 5).
11 That order was served on Robbins at his address of record. More than the allotted time has passed,
12 and Robbins has not paid the filing fee or responded to this court's order in any way. Thus, the
13 present action will be dismissed without prejudice for failure to comply with the court's order to
14 pay the filing fee.

15 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice as
16 set forth in this order.

17 **IT IS FURTHER ORDERED** that a certificate of appealability is denied, as jurists of
18 reason would not find the court's dismissal of this improperly commenced action without prejudice
19 to be debatable or incorrect.
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1 **IT IS FURTHER ORDERED** that petitioner's motion for appointment of counsel (ECF
2 No. 2) is **DENIED** as moot.

3 **IT IS FURTHER ORDERED** that the Clerk shall ENTER JUDGMENT accordingly and
4 close this case.

5 Dated: October 17, 2018

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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